

REMARKS

Applicant requests reconsideration and reexamination of the above-identified application. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action.

Applicant notes and appreciates that the Examiner states in paragraph 3 in regard to claims 8-10 and 21-25 that there is allowable subject matter if such claims are rewritten in independent form.

1. RESPONSE TO ARGUMENTS

The Examiner states that Applicant's arguments with respect to Claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The Examiner states that the indication of allowability to Claims 4, 13 and 19 have been withdrawn. Applicant had canceled Claims 4, 13 and 19 in the previous amendment.

2. CLAIMS REJECTIONS - 35 U.S.C. § 103

(a) The Examiner states that Claims 1, 3, 5, and 7 are rejected under 35 USC § 103(a) as being unpatentable over Ehrenfried in view of Goodman.

Applicant has amended Claim 1 in accordance with the

Examiner's statement regarding patentability of Claim 1 as described in paragraph 3 below and canceled Claims 5 and 7. Claim 3 is believed to be patentable because it is dependent on Claim 1 as amended.

(b) The Examiner states that Claims 1-3, 5-6, 11-12, 14 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Chenera.

Applicant has amended herein Claim 1 to put it in condition for allowance in accordance with the Examiner's statement in paragraph 3, and dependent Claims 2, 3 and 6 are patentable because they are dependent on Claim 1. Claim 5 is canceled.

In regard to Claim 11, the Examiner states that Claim 11 is rejected, but in the previous office action, the Examiner stated that Claim 11 would be allowed if the limitation of Claim 13 were added to Claim 11. Applicant amended Claim 11 accordingly, and the Examiner now states that Claim 11 is obvious from Richardson in view of Chenera because Chenera shows a threaded rod to raise and lower the lever of the legs using a crank. However, neither Richardson nor Chenera disclose a universal joint 56 combined with a threaded rod 60 nor do they describe a crank rod 51 attached to the universal joint 56 at a predetermined angle that allows a crank 33 to be

conveniently located in front of a user whose legs straddle the frame 12 below the seat 16. Further, Chenera teaches the use of two threaded rods and the present invention only requires one threaded rod.

Applicant has amended Claim 11 to more particularly point out and distinctly claim the subject matter of the present invention and to further distinguish Claim 11 from the teachings of Richardson in view of Chenera. For example, Claim 11 now recites "a frame having a vertical portion attached to a base" and further recites "said base portion positioned between said base and said seat on said top portion of said frame." In addition, Claim 11 now calls for "a crank rod extended at a predetermined angle from said universal joint between said universal joint and a crank for turning said threaded rod". Therefore, Applicant believes that Claim 11, as amended, is not obvious from Richardson in view of Chenera and that Claim 11 is now patentable. Further, Claims 12 and 14 are dependent on Claim 11 so Applicant believes that they are now patentable.

(c) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson and Chenera in view of Mangini. However, Applicant believes that Claim 11, as amended, is now patentable and because Claim 15 is dependent on Claim 11, Applicant believes that Claim 11 is now patentable.

(d) Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson and Chenora in view of Jensen. Applicant has canceled Claim 20. However, Jensen does not disclose or suggest a universal joint attached to an upper end of a threaded rod within a wing drive housing as recited in Claim 11.

ALLOWABLE SUBJECT MATTER

3. The Examiner states that Claims 8-10 and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant points out that Claim 8 is dependent on Claim 7, Claim 7 is dependent on Claim 5, and Claim 5 is dependent on Claim 1. Therefore, Applicant added the limitations of Claims 5, 7 and 8 into Claim 1, and Applicant believes that Claim 1, as amended, is now patentable. Applicant has canceled Claims 5, 7 and 8 and amended Claims 6, 9 and 10 to be dependent on Claim 1, so Applicant believes that Claims 6, 9 and 10 are now patentable.

In regard to Claims 21-25, Claim 21 is dependent on Claim 20 and Claim 20 is dependent on Claim 16. Therefore, Applicant


has added the limitations of Claims 20 and 21 into Claim 16, and Applicant believes that Claim 16, as amended, is now patentable. Applicant has canceled Claims 20 and 21 and has amended Claim 22 to be dependent on Claim 16. Claims 23 and 24 are dependent on Claim 22, which is dependent on Claim 16, and Claim 25 is dependent on Claim 23. Hence, Applicant believes that Claims 17, 18, 22-25, which are dependent on Claim 16 either directly or indirectly, are likewise patentable.

In view of the above, it is submitted that Claims 1-3, 6, 9-12, 14-18 and 22-25, as amended, are now in condition for allowance. Reconsideration of the objections and rejections is respectfully requested. Accordingly, it is requested that the foregoing Amendment be entered and the case be sent to issue.

If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully Submitted,
PEARSON & PEARSON, LLP

By



WALTER F. DAWSON,
Patent Attorney,
Reg. No. 30,046
10 George Street
Lowell, Massachusetts 01852
(978) 452-1971